IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 7732 of 2003(U)

PETITIONER:

T.V.SANTHA, HSA,
GOVERNMENT HIGH SCHOOL,
SOUTH VAZHAKKULAM.

BY ADV. SRI.MATHEW VALSALAN
SRI.K.S.MOHAMED HASHIM

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF FINANCE, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE ACCOUTANT GENERAL, KERALA.

3. THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.

4. THE DISTRICT EDUCATIONAL OFFICER, ALUVA.

BY GOVERNMENT PLEADER SHRI.SANDESH RAJA FOR R1,R3&R4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 13532/03 IN OP 7732/03

DISMISSED.

SD/- ANTONY DOMINIC,JUDGE.

20/2/2007

APPENDIX

PETITIONER'S EXTS:

Ext.P1 A true copy of the Government order G.O.(P)600/93/Fin. Dated 25.9.1993.

Ext.P2 A true copy of the order G.O.(P) 952/95/Fin dated 5.12.95.

Ext.P3 A true copy of the G.O.(P)No.615/97/(138)/Fin dated 28.6.97.

Ext.P4 A true copy of the G.O.(P) No.615/(86)/Fin dated 11.4.96.

Ext.P5 A true copy of the Order G.O.(P) 38/98(152)/Fin dated 5.1.98.

Ext.P6 A true copy of the G.O.(P) 399/99/(178)/Fin dated 5.2.99.

Ext.P7 A true copy of the relevant extract of Audit objection raised by the 2nd respondent.

Antony Dominic, J.
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O.P.No.7732 of 2003
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Dated this the 20th day of February, 2007.

JUDGMENT

This Writ Petition is filed basically for quashing Exts.P4 and P7 and to declare that the re-option exercised by the petitioner following Ext.P3 order and the refixation effected by the fourth respondent on the basis of the same is legal and valid. In the counter affidavit filed by the respondent in paragraph 5, it is stated as follows:

> "The petitioner exercised re-option on 25.9.97 for the senior grade in the pre-revised scale with effect from 1.9.96 and for 1992 Pay Revision with effect from the same date in terms of G.O. Dated 28.6.97. Though, this was objected by the Accountant General, Thiruvananthapuram earlier holding the reason that Ext.P3 G.O.(P) No.615/97(138)/Fin. Dated 28.6.97 is applicable only to the grades sanctioned upto 31.5.96, the above objection was dropped consequent to the issuance of G.O. (P) No.206/03/Fin. Dated 5.4.03."

In view of the above averments made in the counter affidavit filed on behalf of the first respondent, the grievance raised in this Writ

Petition stands redressed and accordingly, this Writ Petition is closed.

Antony Dominic
Judge.

ess 20/2